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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,520	12/21/2001	David J. Hemker	LAM2P317	5915

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EXAMINER

MARKOFF, ALEXANDER

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,520

Applicant(s)

HEMKER ET AL.

Examiner

Alexander Markoff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 2/28/05 and 1/20/05 have been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hiatt et al (US Patent No 5,963,315) in view of Yin et al (US Patent No 5,865,901) and Boszormenyi et al (US Patent No 6,394,105).

Hiatt et al teaches a method and apparatus for controlling the contamination of the backside of the wafer and for cleaning the wafer if the contamination is determined.

Hiatt et al teach controlling contamination in the areas recited by the instant claims.

Hiatt et al is concerned about particles of the claimed size.

The disclosed cleaning includes sonic activated cleaning, sprays, etc.

The apparatus is integrated with an exposure device.

The detecting means includes a laser.

The apparatus includes a controller, which store the information in the memory and controls the process.

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Thus Hiatt et al concern about the same problem as the instant invention and teach a method and apparatus as claimed except for optimization of the cleaning by preferential localized cleaning of the specific areas.

However, optimization of cleaning depending from the specific place of contaminants was known in the art, as evidenced by Yin et al and Boszormenyi et al.

It would have been obvious to an ordinary artisan at the time the invention was made to optimize cleaning in Hiatt et al by directing the cleaning to the specific contaminated areas, specific contaminants and by adjusting the cleaning depending from the contamination according to the teachings of Yin et al and Boszormenyi et al with reasonable expectation of adequate results in order to enhance cleaning results.

As to claims requiring the use of the laser.

Boszormenyi et al teach the use of the laser for both detecting the contamination and it's removal and further teach that this would result in saving in tool cost.

It would have been obvious to an ordinary artisan at the time the invention was made to provide in the modified method and apparatus of Hiatt et al a laser which would perform the detecting function recited by Hiatt et al with the cleaning functions in order to reduce the tool cost according to the teaching of Boszormenyi et al.

Response to Arguments

6. Applicant's arguments filed 02/28/05 have been fully considered but they are not persuasive.

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The applicants again argue that the prior art does not teach exclusive cleaning of the specific sites and that the prior art requires cleaning of the entire surface of the wafer.

This is not persuasive. The examiner again expresses the position that: First, it appears that the method of the invention does not preclude cleaning of the entire surface of the wafer. Second, whether or not the method of the invention precludes cleaning of the entire surface of the wafer the pending claims do not exclude cleaning the entire surface. Nothing in the pending claims limits the cleaning to cleaning only specific sites.

The Hiatt et al concern about the same contamination as claimed. They specifically teach that contaminants of the claimed size presented on the backside of the wafer can cause a shift in the depth of focus field enough to adversely impact yield. See at least column 2, line 42 – 53. The prior art teaches the optimization of cleaning depending from the specific place of contaminants. It would have been obvious to an ordinary artisan at the time the invention was made to optimize cleaning in the method of Hiatt et al by directing the cleaning to the specific contaminated areas, specific contaminants and by adjusting the cleaning depending from the contamination in order to enhance cleaning results. The entire surfaces of the wafer would be cleaned and the most contaminated areas would be cleaned by such method. These most contaminated areas, would include the specifically claimed areas. It is obvious that at least some of the particles of the size recited by Hiatt et al. would be presented in the areas. Thus, such method meets the claimed limitations.

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As to the apparatus claims: since the modified apparatus of the prior art would be fully capable of defining the sites of the particles and cleaned these cites it would be fully capable of defining cleaning areas containing particles sites, including the cites recited by the claims, and cleaning them.

The applicants attack the applied documents individually.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

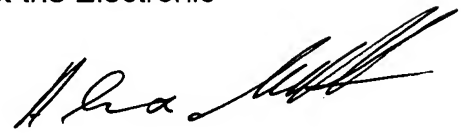
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Markoff whose telephone number is 571-272-1304. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alexander Markoff
Primary Examiner
Art Unit 1746

AM

ALEXANDER MARKOFF
PRIMARY EXAMINER